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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/066,850

Applicant: Ilya AVRUTOV et al.

Filed: February 4, 2002

Art Unit 1625

Examiner: MORRIS, Patricia L.

For: PROCESS FOR THE PRODUCTION OF SUBSTITUTED 2-(2-PYRIDYLMETHYL)
SULFINYL-1H-BENZIMIDAZOLES

Docket No.: 1662/55702

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RCE UNDER 37 C.F.R § 1.114 AND
PRELIMINARY AMENDMENT

SIR:

Applicants request continued examination (RCE) of the above identified application under 37 CFR §1.114, which is to be amended in light of the Amendments below. The Commissioner is authorized to charge the RCE fee set forth in 37 CFR 1.17(e) to Deposit Account No. 11-0600.

Amendments begin on page 2.

Remarks begin on page 4.

Thus, Examples 3-5 of the present application exemplified the molar ratio of tert-butyl hydroperoxide to the compound of formula B of 1.28, 1.33 and 1.24.

Therefore, there is support for amending the allowed claim 8 by replacing "1.34:1" with "1.24:1".

When claim 8 recited "1.34:1" in the Amendment filed on November 8, 2005, the Amendment argued that claim 8 would have been patentable over Monserrat because Monserrat uses a molar ratio of tert-butyl hydroperoxide to the compound of formula B of 1.09:1. As explained above, the correct molar ratio of tert-butyl hydroperoxide to the compound of formula B used in Monserrat should have been 1.02:1, instead of 1.09:1. Applicants submit that claim 8 as amended in the present Preliminary Amendment should also be patentable over Monserrat.

CONCLUSION

The Examiner is urged to contact the undersigned by phone if there is any issue that can be resolved with a telephone interview.

In the event that the filing of this Preliminary Amendment is deemed not timely, applicants petition for an appropriate extension of time. The petition fee, and any other fees that may be required in relation to this paper, can be charged to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

Dated: March 8, 2006

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